

1 MR. DONAHUE WAYNE SMITH-DIRECT 31  
2 individual to determine whether or not they were  
3 under the influence of a controlled substance?

4 A Just doing standardized testing on people  
5 suspected of driving under the influence.

6 Are you looking for a specific testing?

7 Q If you're willing to provide it.

8 A There was a -- three standard field sobriety  
9 tests. One would be a walk-and-turn test where  
10 you walk down a straight line nine heel-to-toe  
11 steps, turn around, walk back nine heel-to-toe  
12 steps.

13 Another one is a one-legged balance test  
14 where either foot is raised off the floor, three  
15 to six inches, and held in that position for up to  
16 30 seconds.

17 And then another one would be an eye test  
18 called the horizontal gaze and nystagmus test  
19 where you look for any qualities in both eyes.

20 Q What was the closest that you,  
21 personally, got to Mr. Smith at the scene?

22 A I would be, I would say, right at his side.

23 Q Did you detect any odors of alcohol  
24 when you were at the scene?

25 A No, I did not.

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2 incident at all?

3 A No, I did not.

4 Q I remember about a year ago, I was  
5 reading in the newspaper about a new program that  
6 a lot of police officers -- a new training program  
7 that they undergo to determine whether or not  
8 somebody is under the influence of drugs or  
9 alcohol as far as looking into their eyes and  
10 things of that nature. And I'm sorry. The formal  
11 name of the training slips my mind. Have you  
12 undergone any type of training like that?

13 A Field sobriety testing? Is that what you're  
14 asking?

15 Q I think it's beyond that but yes.

16 A I went through a course in field sobriety --  
17 standard field sobriety testing but nothing  
18 further than that.

19 Q What did that type of training entail?

20 A That was more inclined for detection of  
21 driving under the influence.

22 Q Of alcohol or other --

23 A Or controlled substance, correct.

24 Q What were some of the things that that  
25 training involved as far as the evaluation of an

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2 Q Did you make any type of an assessment  
3 of whether or not anybody actually --

4 MR. DONAHUE: Let me rephrase  
5 that.

6 Q Did you make any assessment of whether  
7 or not Mr. Smith was under the influence of any  
8 controlled substances?

9 A No, I did not.

10 Q Have you ever had any contact with Mr.  
11 Smith, other than this incident?

12 A No.

13 Q Did you perform any accident  
14 investigation as to how this accident occurred?

15 A No.

16 Q You didn't make any measurements or  
17 anything like that at the scene?

18 A No. We were not investigating this as a  
19 criminal act.

20 Q Other than Mr. Kirchhofer, did you take  
21 any statements from anybody else at the scene?

22 A No.

23 Q I'm going to show you the 21  
24 photographs that were taken by Detective --  
25 Lieutenant Demarco at the scene.